IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7316 of 1995

Between:

Mohd. Zaheeruddin S/o. Mohd. Afzar
r/o. Warangal .

..... PETITIONER

AND

1 District Collector ,
Warangal.
2 Sub-Collector,
Warangal.
3 Divisional Engineer (Construction) S.C.Railway,
Kazipet Warangal.
4 Divisional Engineer , South , Maintenance S.C.Railway,
Secunderabad.
5 Asst. Engineer , Doubling Organisation S.C.Railway,
Kazipet Warangal.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to examine the records relating to the notice in Rc.No.A1/255p63 dt: 23/8/1963 of the 2nd respondent and subsequent correspondence between the petitioner and the respondents 3 to 5 declare that the respondents 3 to 5 have no authority to retain the land in an extent of Ac.0.28 guntas in old S.No.1869/1, new Survey No.1387/1-6 situated in Revenue Village of Fort, Warangal use the same without paying compensation declare that the petitioner is entitled for compensation and consequently issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents 3 to 5 to pay the petitioner rent from 15.6.65 with interest at 18% P.a. till they get the land acquired through revenue authorities and direct the respondents to acquire the same under the provisions of land Acquisition Act and pay compensation in accordance with law .

Counsel for the Petitioner: MR.PHEELKHANA RAO

Counsel for the Respondent No.2: GP FOR LAND ACQUISITION

Counsel for the Respondents 3 to 5: Mr. Gouri Shankar Sanghi.

The Court made the following :

ORDER:

Heard both sides.

The petitioner, who claims to be the owner of the land in Sy.No.1869/1-6 (Old), 1387/1-6(new) situated in Warangal, filed this writ petition, *inter alia,* seeking to assail the action of the respondents in not paying the compensation in spite of the fact that the same was taken over and acquired by the respondents.

The case of the petitioner in brief is that initially the petitioner's land was taken over on lease and no amount was paid either for acquisition of the land for temporary purpose or even for the permanent requirement and continued to keep the land in their possession and enjoyment. Hence, the writ petition.

In the counter affidavit filed on behalf of the respondents, it is the case of the respondents that no-doubt the land was taken on temporary purpose as a sort of acquisition and the petitioner was paid the amount for its use and further the land required by the railways for the purpose of laying road under bridge and the petitioner already received the compensation and the balance extent of the land was already reverted to the petitioner and delivery was also given effect to and therefore, the petitioner is not entitled to claim any compensation much less any amounts. Delivery of the possession back to the petitioner was done under Panchanama. In view of the same, no relief can be granted to the petitioner.

Having considered the submissions made on either side and on perusal of the material, admittedly the respondents made use of the land belonging to the petitioner and apparently the same was acquired by the railways and the remaining extent was reverted to the petitioner after completion of the work. The said delivery was effected to the petitioner under Panchanama and the amount was paid in respect of the land which was acquired for temporary purpose from October, 1963 to

June 1965. In view of the same, I do not find any merits in the claim of the petitioner.

The writ petition is accordingly dismissed. No costs.

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B. PRAKASH RAO, J

17th March 2005.

Chvn

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER.

To

1 District Collector ,
Warangal.
2 Sub-Collector,
Warangal.
3 Divisional Engineer (Construction) S.C.Railway,
Kazipet Warangal.
4 Divisional Engineer , South , Maintenance S.C.Railway,
Secunderabad.
5 Asst. Engineer , Doubling Organisation S.C.Railway,
Kazipet Warangal.

6 Two C.Cs. to the G.P. for Land Acquisition, High Court Buildings,

Hyderabad (OUT).

7. Two C.D. copies.